

# Ghassemi & Associates

*Engineers \* Planners \* Surveyors*

*Sunday, June 15, 2008*

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*Tennessee Department of Environment & Conservation*

*2510 Mt. Moriah Road*

*Memphis, TN. 38115-1520*

*Attn. Mr. Terry Templeton*

*Re. Response to WPC CASE No. WPC08-0143 Ridgemont Trails Subdivision, Sec. "B". It is shown as Ridgemont Trails, Ph3.*

*Dear Mr. Templeton:*

To clarify some of the items listed in WPC letter and in Ms. Clonaris Report, I need to explain some of the items that she rushed into a judgment without talking to me and/or to the City of Memphis and understanding the reasoning behind our action. Chain of events happened as follows:

1. We prepared drawings for Ridgemont Trails Subdivision, Section "B".
2. The city of Memphis approved our plans and we prepared for construction.
3. We were supposed to install outfall pipe with a detention basin which will also be used as sediment basin for sec. "B".
4. We started to lay the 36" outfall pipe; we encountered a 10" high pressure water main conflicting with the drainage pipe.
5. Since Egypt Central Road has been designed and built incorrectly, we were not able to correct the street alignment "per City of Memphis regulation" due to an existing structure "house" on the way of new alignment.
6. To make the matter worse, MLG&W has an existing pump on this site that is built as high as the Egypt Central Elevation; this would not be any problem if we were able to build the detention pond as originally planned. Since the water pipe is in the way and MLG&W does not want us anywhere close to their water pipe "it must be at least 18" clearance between those structures", so we had to stop the work.

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7. We stopped all operation and asked the City of Memphis for recommendation, make long story short, after over 20 different meeting with various agencies, we were told to come up with new alignment for the drainage and outfall pipe.
8. After numerous attempts, we finally came up with plans that were verbally approved by the City of Memphis Engineering Department on 06/12/08, it still has to be approved by the City Engineer. To this date we have not heard back from them.
9. In the mean time we have seeded most areas that were bare, we have installed and maintained settlement basin for section "C" and we have spend ton of money on silt fence as much as other prevention possible to prevent runoff from this site, we have been successful to some degree, however; due to the fact that we could not cut the run off from another subdivision, thru this site and we were not able to install sediment basin as originally designed, some deluded water as Ms. Clonaris shows in her pictures were release from this site.

I am attaching all my letters to Mr. Willis, inspector for the City of Memphis in the past few month, as you can see I have explained on each letter, where we were and what we were doing, I also suggested for him to call the City of Memphis Engineering Department and get the final decision about this project, I also asked him to meet at the site to answer any questions that he may have, instead I got another inspection letter, then another and another...

As you know, by law we can not do anything such as laying pipes, building structures etc. without the City of Memphis approval and signed plans, we could not build the original sediment basin, because of the high pressure water pipe, we could not build silt fence around Egypt Central, in fear of drowning a Million Dollar MLG&W pump and now we have to pay penalty to the state because we could not do magic.

I have designed and build numerous subdivisions in this community and to this date I have not had any complains from anybody. This time I have been penalized because of un-experienced inspectors decided to call on Nashville without knowing the facts.

We are only responsible if we are negligent on doing our work; one agency telling us to stay away and another one expecting us jump the hoops to fix the problem and another one threaten us with lawsuits if we get near their pipe's, etc. At the present time we are the only company that developing low income family housing "without taxpayer's financial help" in the entire City of Memphis. Yet we face all kinds of scrutiny from every agency involved.

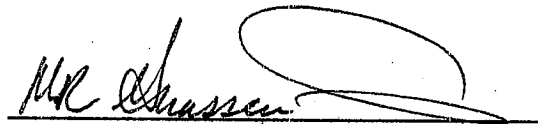
For all said, at the present time, we can not do any construction and/or correct any items that listed in your letter without signed plans from the City of Memphis,

Since the chain of events "beyond our control" have prevented us from doing our work. We will be more that happy to work with you, to meet with you and/or your inspector within reason to bring about a successful development, otherwise, I will have no choice but let the judicial system to make the final decision.

I respectfully decline to pay the specified penalty.

If you have nay questions please do not hesitate to call.

*Sincerely Yours;*



M. R. Ghassemi, PE, RLS

cc: The Office of General Counsel  
Appeal of Enforcement Order, TDEC-OGC  
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